



EELF
European Environmental
Law Forum



**university of
 groningen**

11th EELF Conference 2024

Sustainable Energy: Still United in Diversity?

**Integrating energy, climate and environmental law
in times of geopolitical instability**

28-31 August 2024, Groningen, The Netherlands

Call for Abstracts

Building upon the developments of the European Environmental Law Forum (EELF) in the past 10 years, the Groningen Centre of Energy Law and Sustainability (GCELS) organizes the 11th EELF Conference. This offers an opportunity to reflect upon the progress (or lack thereof) made in the development of Sustainable Energy in Europe, which was the focus of the 1st EELF conference in Groningen back in 2013.

Rebecca Harms stated in the foreword of the first EELF book, “Given the recent Russia-Ukraine crisis and the subsequent focus on European supply security and energy dependence - as well as the ever-growing urgency of halting climate change, this book’s publication comes at a very timely moment. If we want to cap average global warming at 2° C and reduce our substantial dependency on fossil fuels, the significance of progressing towards a sustainable European energy policy becomes more obvious.” [Rebecca Harms, *Sustainable Energy United in Diversity*, 2014]. Regrettably, not only has the Russia-Ukraine war worsened, but the negative effects of climate change are also intensifying and becoming increasingly evident. On the legal side of things, the Paris Agreement aims not merely to cap the increase in global average temperature at 2° C, but to keep it *well below* that limit.

To (also) implement Paris, the European Green Deal provides a basis for the development of a more sustainable way of life in Europe, but to what extent and at what costs?

Accordingly, the 11th EELF Conference will focus on the role that law, both independently and in collaboration with other disciplines, can play in stimulating the move towards sustainable energy. Particular attention will be given to the following themes (below further explained):

- A. **Defining sustainability**, thus the general aims and principles of sustainable energy;
- B. **Enabling sustainable energy transition** especially towards renewable energy and energy saving and energy efficiency. This entail legal approaches and instruments to: planning and permitting of energy infrastructures and installations; managing environmental conflicts e.g. with regard to nature and water protection; managing social conflicts; energy market regulation, subsidies and financial incentives, coping with technological developments and interlinkages with other transitions (e.g. circular economy and urban development);
- C. **Incentivising sustainable energy transition**, thus balancing state control and open markets in the development and management of sustainable energy sources and related infrastructures.

Each theme should be seen in a multi-level governance perspective. We can indeed observe a great variety of activities at international, EU and Member State levels and on all three themes. However, approaches differ considerably from state to state and are not always smoothly coordinated. The regulatory arrangements are continuously under construction and much is still in an experimental or incremental stage.

Against this backdrop, the need for professional debate becomes clear, especially for comparative discussions about different national and regional approaches and experiences, as well as the overarching (European) framework. Contributions from environmental and energy lawyers, environmental scientists as well as scholars with a background in law and economics are more than welcome.

Further definition of the conference themes

A) Defining sustainability: General aims and principles of sustainable energy

Above, we indicated the presence of a definition problem with regard to sustainability in general and sustainable energy in particular. In this conference, we welcome presentations discussing how to reach a workable definition of sustainable energy. How can we integrate environmental and energy laws? Can integration in the energy market help to achieve policy integration in a way that also considers the environmental and social impact of energy production, transport and consumption? What role can environmental principles play in defining sustainable energy? What is the role of public participation under the Aarhus Convention, and under the Community and national measures based thereupon, to define sustainable energy? An energy lifecycle approach provides a useful tool for assessing the environmental effects of reliance on energy sources, but should we regulate the methodology and monitor the lifecycle-analysis and other techniques to define sustainable energy, especially at the international level? Finally, how can law be used to distinguish between sustainable and unsustainable energy sources?

B) Enabling a sustainable energy transition: Managing competence conflicts, environmental effects and coping with socio-technical developments

To ensure security of energy supply, renewable sources are increasingly developed. We previously noted challenges in implementing sustainable energy production and establishing infrastructure for the transport of energy. At international, European and national level, environmental laws, especially those concerning nature conservation, are sometimes seen as constraints to energy transition. This perception is further complicated by the fact that international and external competences in both the energy and the environmental policy sectors are shared, while we see a desire to restrict EU competences by Member States. At the same time, the diversity of the energy frameworks in the 27 Member States, and the differing environmental circumstances in those Member States, result in a reduced level of harmonization within the EU. Increased diversity might come from action taken at local level, which in the field of climate change sees municipalities playing a prominent lighthouse role under the EU 100 cities CO₂-neutral by 2030 mission, for example.

While the security of energy supply is undeniably vital, a sustainable energy transition requires the integration of environmental and social considerations within the fields of development law, planning law and access to justice. How might we integrate environmental protection into the ongoing process of deregulation and flexibilisation processes within the EU's multi-level governance framework? And integrate energy transition with other challenges such as the move towards circular economy, the protein transition, climate adaptation and urban development. How can we ensure that the (EU-wide) coordination of siting decisions in the internal energy market paves the way for a sustainable energy transition, especially in a dynamically changing environment? How can we balance the need of speeding

up development projects that enable the energy transition with the need to protect water bodies and biodiversity and increase social acceptance and justice throughout the legislative, decision-making and judicial review processes?, How can energy law be made adaptable to socio-economical-technical and environmental developments? And what is the role that the digital transition can play in enabling the green transition?

It is evident that the EU's energy transition cannot be seen in isolation, but rather needs to form part of the EU's external policy whilst that external component needs to be firmly embedded in the EU's energy transition regime. Therefore, we welcome presentations clarifying the interrelations between EU external policy and EU energy transition policy.

C) Incentivising a sustainable energy transition: Balancing state control and open markets in the development and management of sustainable energy sources and related infrastructures

The EU sets all kinds of energy and sustainability targets, for instance in relation to greenhouse gas emission levels, the use of renewables and the promotion of energy efficiency. In this conference, we welcome presentations discussing instruments designed to incentivise the achievement of those targets. What is the role of the EU ETS, the RES Directive and the Directive on energy efficiency in the energy transition? Should innovative technologies, such as Carbon Capture and Storage, be subsidised more heavily? Should the EU ETS be altered in its set-up? How to link the EU ETS to more or less similar schemes in other jurisdictions, including the United States and China? Can the EU ETS be expanded further to other sectors in the economy? Besides the EU ETS, what other instruments can be used to incentivise a sustainable energy transition including payments for ecosystem services, cross-border cooperation and taxation schemes? How do these instruments interact with the EU ETS? Energy transition can also be incentivised by focusing on the demand side, hence on consumers: what is the present and future role of consumer participation (demand side response) in the energy sector through consumer law as an instrument to incentivise sustainable energy transition? The aim of this theme is to determine how these existing and new instruments work, how they interact with each other and assess their effects in driving an energy transition.

Abstracts should be sent to EELF@rug.nl by 15 th April 2024.

They shall consists of:

- title,
- name(s) of speaker(s), with affiliation
- 250 words explanation of topic and its relevance,
- 3 statements about your topic to open the discussion with the public
- Indication of the theme (A, B, C) in which your topic best fits into
- A biography of max 100 words

Conference Fee: 250 Euro (early birds – 20th of June – 175 euro) + 50 Euro book. It includes access to conference, catering, conference dinner, excursion, and book.

Organization Committee:

Fitsum Tiche, Lorenzo Squintani, Kars de Graaf, Edwin Woerdman, Hans Vedder

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